

BARRINGER
AFFIDAVIT

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

DATA-COM TELECOMMUNICATIONS, INC.,

Case No.: 07 CV 3207

Plaintiff,

-against-

EMPIRE INTERNATIONAL LTD.,

Defendant.

**AFFIDAVIT OF
DONNA BARRINGER**

STATE OF NEW JERSEY)
) ss
COUNTY OF BERGEN)

DONNA BARRINGER, of full age, being duly sworn according to law, upon her oath,
deposes and says:

1. I am a comptroller at EmpireCLS Worldwide Chauffered Services s/h/a Empire International Ltd. ("Empire"). I submit this Affidavit in opposition to Plaintiff, Data-Com Telecommunications, Inc. ("Data-Com") motion to remand and in support of Empire's cross-motion to amend their petition for removal.

2. I have been the Corporate Comptroller of Empire for the last 8 ½ months. I have been authorized by Empire to execute this Affidavit on Empire's behalf.

3. My responsibilities and duties include the following, maintaining the books and records of Empire and general corporate accounting. My duties and responsibilities do not include accepting service of process on Empire's behalf.

4. I am not nor have I ever been an officer or director of Empire. Therefore, service cannot be effected on Empire by serving legal papers on me.

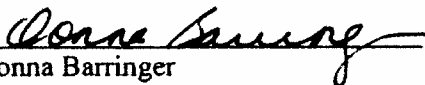
5. I have read the affidavit of Karen Bell, plaintiff's process server, wherein she states that she served me with legal process on March 9th, 2007. In her affidavit, she claims that I advised her that I could accept service on Empire's behalf. Her assertion is false.

6. On March 9th, 2007, I was working in Empire's Norwood, New Jersey offices. I was approached by Ms. Bell, who asked whether I could take some papers from her. Because I believed she was a messenger, I said yes. Ms. Bell provided me with a paper to sign, which I did. I thought I was simply signing an acknowledgment of my receipt of the package. I did not know that she was attempting to legally serve Empire. Had I known that this was her intent, I would have advised Ms. Bell that accepting service on Empire's behalf was not part of my job responsibilities.


7. After receiving the package, I forwarded it to my supervisor, William Minich. I did not know the contents of the package as I did not open it. Only now, have I become aware that it contained a summons and complaint.

8. I am unaware and unfamiliar with the practices, procedures, and legal time frames involved with the service of legal complaints. Had I known the ramifications of accepting the envelope in which held the summons and complaint, I never would have done so.

9. Based upon the foregoing reasons, I respectfully ask the court, to deny plaintiff's motion for remand and to grant Empire's cross-motion to amend the petition for removal.


Donna Barringer

Sworn and subscribed to before
me this 27 day of June, 2007


Notary Public of the State of New Jersey